THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 19856 of 1997

DATE: 19-02-2007

Between :

Badvel Venkatasubba Reddy

… Petitioner

And

The District Collector,
Nellore and 4 others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 19856 of 1997

ORDER:

Heard both the parties and perused the material on record.

It is not in dispute that in pursuance of the resolution passed by the 4th respondent-Grampanchayat, dated 30-03-1991, an extent of 600 square feet of land situated in Sy.No.57 of Gulimcherla Grampanchayat was transferred in favour of the petitioner. However, it appears that subsequently, a fresh resolution was passed by the Gramapanchayat on 11-05-1997 resolving that the petitioner should vacate the site in question on the ground that the allotment in favour of the petitioner was against the interest of the Gramapanchayat and also on the ground that the earlier resolution dated 30-03-1991 was not approved by the District Collector. Pursuant to the said resolution, dated 11-05-1997, when the petitioner was sought to be dispossessed, this writ petition was filed.

This Court, while directing Rule Nisi, by order dated 21-08-1997, granted interim stay of dispossession of the petitioner, which continued to be in operation through out.

Though a counter affidavit has been filed by the 4th respondent-Gramapanchayat, the fact that the transfer in favour of the petitioner was never cancelled and no proceedings were initiated for that purpose, is not in dispute.

In the circumstances, even assuming that by subsequent

resolution the Grampanchayat had decided that the transfer in favour of the petitioner was not in the interest of the Gampanchayat, the petitioner cannot be straightaway dispossessed without taking any steps for cancellation of the transfer in favour of the petitioner after giving him an opportunity to put forth his version.

Accordingly, without expressing any opinion on merits, the writ petition is disposed of with a direction to the respondents to issue a notice to the petitioner calling for his explanation against the proposed action and then to take appropriate action after considering the explanation, if any submitted by the petitioner. Till such time, the possession of the petitioner should not be disturbed in any manner whatsoever. No costs.

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G. ROHINI, J.

Dt. 19-02-2007
KLP